REMARKS/ARGUMENTS

This is in response to the Office Action dated July 15, 2005. Reconsideration is respectfully requested.

The Examiner has rejected claims 1-4, 6-8, 10, 12-13, 57, 59-74 and 76-85 "under 35 U.S.C. 103(a) as being unpatentable over **Kubbler *et al.*** (U.S. Pat. Pub. US **20040264442A1**) in view of **Thakker** (U.S. Pat. No. **6,246,948 B1**)". The Kubler et al publication contains common specification with U.S. patents 6,389,010 filed March 10, 1998, and 5,726,984 filed October 5, 1995.

The Examiner states "As per claims 1 and 68, **Kubler *et al.*** teaches a method for automatically sending situational location dependent information to a mobile receiving system (see fig. 45), said method comprising the steps of: registering said receiving system with service for eligibility to receive said information at said receiving system [sections 0292 and 0300]; automatically communicating requests containing Global Positioning System coordinates of said receiving system to requesting said service, by system event means for said receiving system over an internet connection to said service [section 0300, 0353 and 0354]; said Global Positioning System coordinates automatically determining for said receiving system []; automatically determining by said service that said receiving system is eligible to receive said information [section 0359, particularly (As this process takes place, a report can also be generated via a peripheral or premises LAN printer at the destination dock for receipt signature. Similarly, the peripheral LAN modem on the destination dock can relay the delivery information back to the host computer)]; automatically retrieving from a deliverable content database by said service said information according to a situational location including said Global Positioning System coordinates, said information for user interface presentation by said receiving system; [sections 0359 and 0434, particularly, gather additional information needed and from the inventory information, the inventory computer 4511 generates purchase orders for subsequent delivery automating the entire process], which implies the system contains a content database; and automatically sending said information from said server to said receiving system over an

internet connection [see abstract and section 0107, wherein the use of Internet is a known feature in the art]. Kubbler et al. does not physically teach physical location coordinates."

Claim 1 has been amended to replace the language "Global Positioning System coordinates" with Examiner's referenced language "physical location coordinates" that "Kubler et al does not physically teach". Applicant's claim 1 has also been amended for distinguishing the novel timeliness by which information is delivered to the single same receiving system that is mobile, registered with the service, communicating requests containing physical location coordinates, and having its physical location coordinates used in retrieving and immediately delivering any applicable content found to that single same receiving system. Claim 68 has also been amended to further clarify the targeted nature of information delivered to the single same receiving system that has a candidate delivery event determined upon arrival to a newly traveled location, has its situational location used to search for information, is immediately sent the information, and then immediately presents the information to its user interface. Information retrieved from the deliverable content database is instantly sent to that same receiving system newly encountering a situational location. That same receiving system instantly receives corresponding information from the service, and presents the information from the service to its own user interface. Kubler et al does not teach instant delivery of retrieved content to the receiving system as that same receiving system newly encounters a situational location.

The Examiner states "**Thakker** teaches a wireless intelligent vehicle speed control incluing the limitation of physically teach physical location coordinates (see col. 4, lines 12-35, particularly physical location coordinates). It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce the use physically teach physical location coordinates had been recognized by Thakker as an important feature of the invention to modify Kubbler' s et al. teaching, because this modification would have enhanced Kubbler' s et al. so that current geographic location of a vehicle could be determined, thereby improving the efficiency and the reliability of the system and method for proactive content delivery by situational location."

Applicant respectfully requests Examiner's reconsideration of "It would have been obvious to one of ordinary skill in the art at the time of the invention..." in light of important

GPS background information presented below. Kubler et al does not teach or suggest physical location coordinates, and discussions presented below lead to conclusions that a) GPS information would not be an obvious or reasonable method for enhancing the Kubler et al disclosure, in particular at the time of invention; and b) improving the efficiency and reliability of Kubler et al is unlikely.

"The premises LAN uses a spanning tree algorithm to maintain current information regarding the general location of mobile devices within the network" [0258]. Only a general location can be determined by Kubler et al because devices come into range of an access point for being detected. The location of the access point is used to determine the general location of a device. Applicant's claim 1 language "situational location" includes actual physical location coordinates that can be used to identify a real physical location of the receiving system. "Situational location" data itself is enough to physically locate a receiving device by the data's own description. Physical location coordinates, for example latitude and longitude, provide real physical location data of a receiving system. Kubler et al disclose descriptions such as "into the vicinity of" [0125], "in the vicinity of" [0346,0352], "in its vicinity" [0300], "the vicinity of" [0348], "moving within range" [0066], "out of range" [0067,0111,0123,0353,0358,0360,0365,0485] , "out of radio range" [0066], "within the range" [0120], "within range" [0066,0243,0361,0365,0436,0553,0556], "at a range" [0375], "radio range" [0475], "into the range" [0123], "coverage range" [0220], "in range" [0312,0359,0556], "into range" [0312], "operating range" [0325], "into range of" [0354,0371], "outside the range" [0392,0394], "within a premises" [0026], "premises" [0066,0067,0108,...], and many other instances of "premises". Kubler et al does not disclose an actual physical location of a receiving system except to say it is in range of communications. Kubler et al disclose four types of LANs which make up the focused described networks: premises LAN, peripheral LAN, vehicular LAN, and spontaneous LAN. A premises LAN is "a local area network (LAN) for maintaining typical communication flow within a building premises..." [0108], "is intended to provide communications between relatively many devices operating across great distances throughout a building" [0117], and "consists of several access points 15 located throughout an environment requiring wireless communications, e.g., a building or other facility, or a campus comprising

several buildings. The access points 15 are placed to provide coverage of intended usage areas for the roaming portable or mobile computing devices 20. Coverage areas must overlap to eliminate dead spots between coverage areas" [0228]. A "peripheral LAN is intended to provide communications between two or more devices operating within near proximity, e.g. distances of a few tens of feet" [0117]. A vehicular LAN is a network installed within a vehicle such as that comprising "an access device 5553 and mobile terminals 5555 and 5559. Although not shown, other vehicular network devices such as printers, plotters, fax machines, etc., may also be located within the vehicle 5557. Such other devices participate directly or indirectly on the vehicular network 5551 via wireless or hardwired interconnection" [0555]. A vehicular LAN "is capable of detaching from the premises LAN when moving out of radio range of the premises LAN to perform a service, and reattaching to the premises LAN when moving within range to automatically report on the services rendered" [0066]. A spontaneous LAN is a network that becomes spontaneously created as needed for a roaming device. "In most circumstances, the premises LAN provides a rather optimal solution to the communication needs of a given network. However, in some circumstances, to serve a variety of particular communication needs, the premises LAN does not offer the optimal solution. Instead of relying on the premises LAN for such communications, when and where beneficial, alternate LANs are spontaneously created by (or with) network devices, such as the roaming computing device 20, within the hierarchical communication system 10. Such spontaneously created LANs are referred to herein as spontaneous LANs. After the immediate benefits end, i.e., a task has been completed, or if the participants of the spontaneous LAN move out of range of each other, the spontaneous LAN terminates operation" [0111].

At the time of Kubler et al and Thakker, GPS functionality was unavailable within buildings containing Kubler et al premises LANs, peripheral LANs, vehicular LANs, and spontaneous LANs. A clear view to the sky was required. Even if there was a clear view to the sky at the time, GPS was functionally unable to distinguish accurate location distance differences between devices and access points multitudinously disclosed by Kubler et al for premises LANs, peripheral LANs, vehicular LANs, and spontaneous LANs. So, applying the Thakker patent to Kubkler et al would not have been an obvious or reasonable thing to do at the time. Kubler et al

and Thakker do not disclose methodologies for improving GPS accuracy or reliability, and they do not disclose bringing GPS functionality into buildings.

On Monday, May 1, 2000, the President of the United States of America announced that the Global Positioning System (GPS) would remove selective availability (SA), a process that altered the signals received by civilian GPS users. Prior to May 1 ,2000, common GPS for civilians made positioning accurate only to within 100 meters, while the military still had access to the un-degraded signal accurate to 20-30 meters. The "unscrambling" after May 1, 2000 was a major step forward for GPS accuracy and subsequent GPS technologies. Kubler et al and Thakker could not have anticipated this announcement. On Tuesday, August 24, 2000, the U.S. Department of Transportation's Federal Aviation Administration (FAA) announced that WAAS (Wide Area Augmentation System) is available for some aviation and all non-aviation uses. WAAS augments the Global Positioning System (GPS) by improving the GPS position signal. At optimal use, the system demonstrated one to two meters horizontal accuracy and two to three meters vertical accuracy throughout the contiguous United States. WAAS is in use today. Kubler et al and Thakker could not have anticipated availability of this technology and its announcement.

Kubler et al discloses WAN communications using the same messaging technology (Figs. 2 through 27 and associated descriptions) for coming within range to an access point. The messaging methodology has no description for physical location coordinates passed between devices because the general location is assumed for a device as it comes within range to an access point. GPS has historically been an unreliable and inaccurate method for location, in particular for Kubler et al applications. Kubler et al and Thakker do not disclose methodologies for improving GPS accuracy or reliability, and they do not disclose bringing GPS functionality into buildings.

Kubler et al discloses short range communications between devices and access points in numerous descriptions, most of which are within premises where a GPS signal would not be available in the building at the time anyway. Also, short range communications requiring a better accuracy than 100 meters is used between many devices in the Kubler et al methodology: "In particular, the peripheral LAN is intended to provide communications between two or more

devices operating within near proximity, e.g., distances of a few tens of feet" [0117], "If a wired access point provides 80,000 square feet of coverage area, a wireless base can be predicted to provide only an additional forty percent coverage improvement, due to overlap with the wired access point" [0246], "Operating range is typically less than fifty feet" [0325], "...reliably transferring information at a range of approximately 40 to 100 feet..." [0375], "...to support peripheral LAN communication at relatively close distances 20-30 feet)" [0376], "...each contains a peripheral LAN transceiver having a broadcast range of two meters or less" [0383], "...over a distance of ten feet" [0525]. In dense active industrial settings having obstacles, walls, and a plurality of reflecting radio waves, Kubler et al ranges are significantly shortened even with more powerful transmissions.

Thakker states "If location information is obtained..." [Abstract] as is consistent with the well known GPS problem of requiring a clear view to the sky. Underpasses, tunnels, electrical disturbances, radio frequency interferences, nearby trees and foliage, nearby buildings/structures and vehicles, weather and other obstacles caused issues for successfully acquiring a GPS fix. Thakker does not teach or suggest improving accuracy or reliability of a GPS signal. Thakker also does not disclose sending GPS coordinates from a receiving system to a service over an internet connection. GPS accuracy within 100 meters is certainly reasonable for traveling vehicles, in particular ones exceeding legal speed limits. However, because of GPS limitations at the time, there is no guarantee a GPS fix could be determined when needed. Kubler et al could not afford unreliable location information because coordination of manufacturing, services, and operations could be negatively impacted with waste and failure. Kubler et al has no need for additional location information because moving "within range" to an access point meets requirements. Even if GPS was accurate, reliably available within a building, and without error, there is no disclosed reference where precise physical location information would benefit the Kubler et al disclosure.

Kubler et al discloses "The preferred Access Interval duration of 20 ms (and maximum packet length of 256 Bytes at 1 MBIT/sec) represents a value chosen for systems with device velocities up to 15 MPH,..." [0141], and "A maximum transmission duration of 2.5 ms is suitable for 1 MBIT/SEC transmission, with a device velocity of 15 mph, in a multiple NET

environment [0224]. Speeds of Kubler et al are far under those that are appropriate for Thakker. There is no obvious combining of these very different disclosures, even when considering device speeds.

Thus, combining GPS functionality of Thakker with Kubler et al could not be obvious to one of ordinary skill in the art at the time. Combining GPS functionality of Thakker with Kubler et al would not obviously enhance or improve the efficiency and reliability of Kubler et al. The essence of the Kubler et al disclosure would not be facilitated with GPS at the time of Kubler et al and Thakker.

The Examiner states "As per claim 2-4, 6-8,10, 12-13, 57, 59-74 and 76-85, **Kubbler *et al.*** teaches a method that further including the step of presenting said information to a user interface of said receiving system [see abstract and section 0107 as described above]; automatically determining a candidate delivery event for said receiving system according to a movement tolerance and communicating a request containing Global Positioning coordinates to said service [see section 0359 as described above]; maintaining a history of information sent; and preventing redundant delivery information [see section 0435 and 0455]; said information is a content delivery indicator for user selection to retrieve associated content and [see abstract and section 0485]; said information is a content delivery indicator indicating existence of deliverable content [see abstract and section 0485]; said information is a content delivery indicator indicating that delivery content was too large in size to be deliverable [see section 0486]; said receiving system is used to configure said deliverable content database over an Internet connection [see abstract and section 0107 as described above]; monitoring for a user action at said receiving system, said user action for enabling or disabling subsequent of said delivery information to said receiving system [see entire document, particularly section 0359 particularly preventing delivery of unwanted goods]." These claims depend from independent claims which have been amended for allowance.

Claims 1 and 68 have been respectfully amended to distinctly point out Applicant's novel features. Dependent claims 2-4, 6-8, 10, 12-13, 57, 59-67 and 86 depend on amended claim 1. Claim 3 has been amended in accordance with claim 1 language. Dependent claims 69-74, 76-85 and 87 depend on amended claim 68.

The Examiner has already allowed claims 5, 9, 11, and 14-56.

The Examiner states "Claims 58 and 75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims". Claims 58 and 75 have been appropriately amended. New claims 86 and 87 are respectfully submitted for original claims 55 and 75, each depending from amended claims.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 619-379-1172.

Respectfully submitted,

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